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राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 8 अप्रैल, 1977/18 चैत्र, 1899

GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-171004, the 6th April, 1977

No. 1-15/77-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business, Himachal Pradesh Legislative

Assembly, 1973, the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Seventh Amendment) Bill, 1977 (Bill No. 7 of 1977); and the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Eighth Amendment) Bill, 1977 (Bill No. 8 of 1977) having been introduced on the 6th April, 1977, are hereby published in the Gazette.

V. P. BHATNAGAR,
Secretary.

Bill No. 7 of 1977

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
(ALLOWANCES AND PENSION OF MEMBERS) (SEVENTH
AMENDMENT) BILL, 1977**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Seventh Amendment) Act, 1977.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. In section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, the following amendments shall be made, namely:—

Amendment
of section
6-B.

(a) after sub-section (1) and before the existing proviso the following new proviso shall be inserted:—

“Provided that,—

- (i) the members elected or nominated from the constituencies where the elections are or have been conducted or such nominations made on any day subsequent to the day fixed for the general elections in the State; or
- (ii) the members who due to the circumstances beyond their control, fail to take oath on the day fixed for that purpose; or
- (iii) the members elected or nominated to the Assembly constituted or deemed to have been constituted under section 5 of the Government of Union Territories Act, 1963; or
- (iv) the members of Assembly constituted under section 3 of the Government of Part-C States Act, 1951;

shall be entitled to the pension under sub-section (1) irrespective of the fact that they have not completed the specified period of five years as such members:”;

(b) in the existing proviso after the word “Provided” but before the word “that” the word “further” shall be inserted.

8 of 1971

20 of 1963

39 of 1951

STATEMENT OF OBJECTS AND REASONS

Under section 6-B of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971) the members are entitled to a pension of Rs. 300 per mensem who have served for a period of not less than five years whether continuous or not. In some areas the elections were held late from the due dates and as such the members from these areas could not complete the full term of five years. Such members are not entitled to the pension as the members of the Legislative Assembly/territorial council under the existing provisions of the Act.

In some cases members may not be able to take oath on the first meeting of the Vidhan Sabha due to unavoidable circumstances with the result that their term as members of the Legislative Assembly/territorial council falls short of five years.

The nomination of members to the Legislative Assembly/territorial council were generally affected after the first meeting held for taking oath after general elections. Consequently the nominated members could not complete the full term of five years. Further, some of the nominated members ceased to be members due to the enforcement of the State of Himachal Pradesh Act, 1970. Moreover, during the years 1952—57 the Legislative Assembly was dissolved earlier due to the States Re-organisation Act, 1956. As such some members could not complete the full term of five years.

In all these cases referred to above the members are not entitled to the pension for no fault on their part and as such it has been considered necessary to make them eligible for the pension.

This Bill seeks to achieve the aforesaid object.

SIMLA:

The....., 1977.

RAM LALL,
Chief Minister.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the pension to the members of the Legislative Assembly who are not able to complete the full term of five years due to the late elections in the border areas or due to the dissolution of the Assembly before the expiration of the period of five years, etc. It is estimated that an amount of Rs. 2.00 lakhs approximately will have to be incurred on this account.

MEMORANDUM ON DELEGATED LEGISLATION
NilRECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207
OF THE CONSTITUTION OF INDIA

(The General Administration Department File No. 2-7/72-GAC-II)

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Seventh Amendment) Bill, 1977, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.

Bill No. 8 of 1977

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
(ALLOWANCES AND PENSION OF MEMBERS) (EIGHTH
AMENDMENT) BILL, 1977**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

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BILL

further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-eighth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Eighth Amendment) Act, 1977.

Short title and commencement.

(2) It shall be deemed to have come into force with effect from the 25th June, 1975.

8 of 1971

2. After sub-section (4) of section 3 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, the following explanation shall be inserted, namely:—

Insertion of explanation to sub-section (4) of section 3.

“*Explanation.*—The legal detention for this purpose does not include detention under any law relating to preventive detention.”

STATEMENT OF OBJECTS AND REASONS

Clause (4) of section 3 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 provides that no compensatory allowance shall be paid to any member in respect of any period during which he was under legal detention under any law for the time being in force. This provision did not entitle the members of the Himachal Pradesh Legislative Assembly who were detained under any law relating to preventive detention, to draw compensatory allowance. It is considered that the term 'legal detention' should not include the member of Legislative Assembly detained under any law relating to preventive detention so that they may become entitled to draw compensatory allowance.

This Bill seeks to achieve the aforesaid object.

SIMLA:

The.....April, 1977.

RAM LALL,
Chief Minister.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the payment of compensatory allowance to the members of the Himachal Pradesh Legislative Assembly who remained under detention under any law relating to preventive detention.

2. Some of the members of the Himachal Pradesh Legislative Assembly remained under detention and during that period they were not paid any compensatory allowance. With the proposed amendment they will be entitled to receive compensatory allowance for the period of their detention. An expenditure of about Rs. 27,000 is involved for the payment of arrears. Though there was always provision in the Budget Estimates for the payment of compensatory allowance to the members but the funds were surrendered/reappropriated due to non-payment on account of the provision of the principal Act.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[File No. GAD(PA)-4 (E)-1/77-GAC]

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Eighth Amendment) Bill, 1977, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the aforesaid Bill in the Legislative Assembly.